

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JUAN ZATARAIN-ONTIVERO and
ARNALDO GARCIA-BAILON,

Defendants.

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8:16CR119

ORDER

This matter is before the court on the motion to continue by defendant Juan Zatarain-Ontivero (Zatarain-Ontivero) (Filing No. 28). Zatarain-Ontivero seeks a continuance of the trial scheduled for August 22, 2016. Zatarain-Ontivero's counsel represents that government's counsel would have no objection to the motion. Upon consideration, the motion will be granted. **Trial will be continued as to both defendants.**

IT IS ORDERED:

1. Zatarain-Ontivero's motion to continue trial (Filing No. 28) is granted.
2. Trial of this matter **as to both defendants** is re-scheduled for **September 19, 2016**, before Senior Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 15, 2016, and September 19, 2016**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 15th day of August, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge